

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 236 of 1994

Tuesday, this the 13th day of February, 1996

CORAM:

HON'BLE MR S.P. BISWAS, ADMINISTRATIVE MEMBER

1. Raj Mohan Nair MK, (No.229201)
S/o MS Krishna Pillai,
Telegraph Assistant,
Central Telegraph Office, Cochin-16
2. KP Pathrose, (No.268421)
S/o KP Pylee (late),
Telegraph Assistant,
Central Telegraph Office, Cochin-16
3. C.O. Varghese, (No.081476 Z)
S/o C.V. Ouseph,
Telegraph Assistant,
Central Telegraph Office, Cochin-16 .. Applicants

By Advocate Mr. PV Mohanan

Versus

1. The Union of India represented by
Secretary to Government,
Ministry of Personnel, Public
Grievances & Pension, New Delhi.
2. The Chief Controller of Defence (Accounts),
Allahabad.
3. The Manager, Canara Bank,
Ernakulam South.
4. The Manager,
State Bank of Travancore,
Shipyards, Cochin. .. Respondents

By Advocate Mr. PR Ramachandra Menon, ACGSC (R1&2)

The application having been heard on 13th February, 1996,
the Tribunal on the same day delivered the following:

O R D E R

S.P. BISWAS, ADMINISTRATIVE MEMBER

Applicants are ex-Service pensioners re-employed in
the Telecom Department. They pray for grant of relief on
military pension.

2. The question of grant of relief on Military pension was considered by the Supreme Court in Union of India & Ors Vs. G. Vasudevan Pillay & Others, (1995 (2) SCC 32). The Supreme Court stated:

"even if Dearness Relief be an integral part of pension, we do not find any legal inhibition in disallowing the same in cases of those pensioners who get themselves re-employed after retirement. In our view this category of pensioners can rightfully be treated differently from those who do not get re-employed; and in the case of re-employed pensioners it would be permissible in law to deny DR on pension in as much as the salary to be paid to them on re-employment takes care of erosion in the value of the money because of rise in prices, which lay at the back of grant of DR, as they get Dearness Allowance on their pay which allowance is not available to those who do not get re-employed we are concerned with the denial of Dearness Relief on family pension on employment of dependants like widows of the ex-servicemen. This decision has to be sustained in view of what has been stated above regarding denial of DR on pension on re-employment Our conclusions on the three questions noted in the opening paragraph are that denial of Dearness Relief on pension/family pension in cases of those ex-servicemen who got re-employment or whose dependants got employment is legal and just."

The case of the applicants is squarely covered by this decision. Accordingly, this prayer is rejected.

3. It is submitted that a review application has been filed in the Supreme Court against the above decision and is pending. If the review results in enunciation of a fresh decision which confers any benefit on persons like the applicants in respect of relief on Military pension or family pension, applicants shall be entitled to receive such benefits

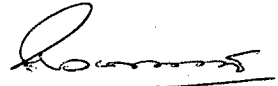
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at the hands of the respondents.

4. Application is disposed of as aforesaid. Parties will suffer their costs.

Dated the 13th February, 1996



S.P. BISWAS
ADMINISTRATIVE MEMBER

ak/13.2